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September 13, 2017

VIA ECF

The Honorable Peter G. Sheridan
United States District Judge
District of New Jersey

Re: Lopez v. Delgado, et al., 17-cv-03468-PGS-LGH
Plaintiff's First Motion to Remand, Doc. No. 5 and Defendants William J. Delgado and David A. Loppert's First Motions to Dismiss for Lack of Personal Jurisdiction, Doc Nos. 2 and 3

Dear Judge Sheridan:

I am counsel for David A. Loppert in the above-captioned matter. I write to respectfully request that the Court adjourn oral argument on Plaintiff's First Motion to Remand, Doc. No. 5, and Defendants William J. Delgado and David A. Loppert's First Motions to Dismiss for Lack of Personal Jurisdiction, Doc Nos. 2 and 3, from September 18, 2017 to November 20, 2017.

I was scheduled for a calendar call on September 13, 2017, to begin a criminal trial (*United States v. Michael Brown, et. al*) on Monday, September 18, in the United States District Court for the Southern District of Florida. I previously had notified opposing counsel that the *Brown* trial was likely to commence on the 18th, which would conflict with the scheduled oral argument before Your Honor. Because the case had not yet been formally called for trial, I did not seek an adjournment of your hearing. Instead, I intended to file a request for adjournment immediately after the calendar call if the *Brown* case was called for trial. I had begun good faith discussions with opposing counsel about mutually agreeable dates for a possible adjournment. In reliance on my representations that I expected the case to go to trial, one of plaintiff's counsel scheduled another matter on September 18; plaintiff's counsel is still available to attend oral argument in this matter on the morning of September 18, however, but consents to defendants' request for adjournment.

Because of Hurricane Irma, the Southern District of Florida closed on or about September 7, 2017. It was not clear whether court would reopen prior to the scheduled calendar call, nor was it clear whether the trial date would be continued. On the afternoon of September 12, 2017, the Southern District of Florida court issued a notice that it would remain closed until September 18, 2017. On September 13, 2017, at 4:36 pm, the trial judge in the *Brown* case scheduled a status conference for all counsel for the morning of September 18. It is still possible that trial will commence on September 19, 2017, in West Palm Beach, Florida. Under these circumstances, it is infeasible for me to travel to New Jersey for oral argument on the morning of September 18, 2017.

I have corresponded with Joshua Brinen, counsel for co-defendant William Delgado and nominal defendant Global Digital Systems, Inc., and he joins me in the request for a November 20, 2017 adjourn date. I have also corresponded with plaintiff's counsel Timothy Brown and Vik Pawar regarding this request, and they consent to it.

I thank the Court for its consideration of this request.

Sincerely,

/s/Bruce E. Reinhart

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